IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3643 OF 2005

Umesh Shrikant Dharwat. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri A.P.Mundargi with Shri P.P.Runwal for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 24th June, 2005.

P.C.:

1. Heard Shri Mundargi for the Applicant and the learned A.P.P. for the State.

2. The Applicant is being prosecuted for an offence under section 302 of the Indian Penal Code. The allegation against the Applicant is that he committed murder of his wife on 26th December 2004 in the mid-night hours in their bed room by strangulating her by a nylon rope.

3. After having heard the learned Counsel for the Applicant and the learned A.P.P. for the State, I find that no case is made out for grant of bail. It seems to be an admitted position that from mid-night till morning the Applicant and his wife were the only persons on the ground floor of the house. There are number of

ante-mortem injuries found on the person of the deceased. The probable cause of death is shown as strangulation. These are the factors which completely negative the case of suicide. The offence has taken place after mid-night in the bed room of the Applicant and no one else had access to the bed room.

4. Considering the gravity of the offence, namely brutal murder of the wife of the Applicant, this is not a case for enlarging the Applicant on bail.

5. The Application is rejected.

Judge.